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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,425	03/26/2004	Hiroyuki Ichikawa	KASAP054	2611
22434	7590	03/31/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			SY, MARIANO ONG	
			ART UNIT	PAPER NUMBER

3683

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.		Applicant(s)	
	10/811,425		ICHIKAWA ET AL.	
	Examiner		Art Unit	
	Mariano Sy		3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>032804_050804</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Specie A, figures 1-3, claims 1-3 in the reply filed on February 28, 2005 is acknowledged.

2. The disclosure is objected to because of the following informalities:

page 18, line 27 "air conduit 58" should be --air conduit 90--,

Claim 2, lines 2-3 "pressure receiving chamber" should be --pressure-receiving chamber--,

Claim 3, line 9 "a outer surface" should be --an outer surface--.

Appropriate correction is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: orifice passage "47" on page 16, line 19. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "84" in fig. 1 and 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US 6,523,813).

Re-claim 1 Kato disclosed, as shown in fig. 1-4, a fluid-filled engine mount comprising: a first mounting member 12; a second mounting member 14; an elastic body 16; a pressure-receiving chamber 60 filled with non-compressible fluid; an equilibrium chamber 62 filled with the non-compressible fluid and partially defined by a flexible layer 52; an orifice passage 96 for connecting the equilibrium chamber to the pressure-receiving chamber, and tuned to a frequency band of engine idling vibrations; an orifice control member 64 operable by means of negative pressure exerted from an external space so as to restrict flow of the fluid through the orifice passage when an absolute value of the exerted negative pressure is greater than a predetermined value; and a negative pressure conduit 106 adapted to always introduce negative pressure available from an air intake port of an internal combustion engine to the orifice control member (during the period of time when valve 110 is switched to connect the vacuum source to the working air chamber 98) see col. 13, lines 52-67 and col. 14, lines 1-2.

Re-claim 2 Kato disclosed, as shown in fig. 1-4, further comprising: a rubber elastic plate 64 partially defining the pressure receiving chamber; and a working air chamber 98 formed on an opposite side across from the rubber elastic plate in relation

to the pressure-receiving chamber, and adapted to function as the orifice control member, wherein the negative pressure conduit is connected to the working air chamber so that the rubber elastic plate is suctioned to be held in contact with an interior face of the working air chamber to restrict a motion when the absolute value of negative pressure exerted to the working air chamber is greater than the predetermined value, and is moved away from the interior face of the working air chamber so as to be elastically deformable when the absolute value of the negative pressure is not greater than the predetermined value.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Ide et al. (US 5,217,211).

Re-claim 3 Kato disclosed, as shown in fig. 1-4, wherein the interior face of the working air chamber is defined by a recess 46 having a somewhat inward curve, and an opening of the recess is fluid-tightly close by the rubber elastic plate so as to provide the working air chamber, wherein the rubber elastic plate has a generally dome shaped having a smooth inner surface somewhat projecting into a pressure-receiving chamber side entirely, and having an outer surface with a central thick walled portion projecting outward in a central portion.

However Kato failed to disclose the negative pressure conduit is open to an approximately central portion of a bottom face of the recess.

Ide et al. teaches, as shown in fig. 1, a fluid-filled elastic having a negative pressure conduit 67 is open to an approximately central portion of a bottom face of a recess 62.

It would have been obvious to one of ordinary skill in the art to have change the negative pressure conduit of Kato to a new location open to an approximately central portion of the bottom face of the recess, as taught by Ide et al., is a matter of design choice that has the same intended function of connecting the chamber to the vacuum source.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Funahashi et al. (US 5,246,212)
Muramatsu et al. (US 6,264,181)
Akasa et al. (US 6,755,401)
Muramatsu et al. (US 6,808,168)


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427. The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on 703-3083668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 M. Sy

March 21, 2005


3/24/2005
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310